

01-03-22C

**City of Bremen, Georgia**  
**Water Supply Watersheds Protection**  
**Ordinance**

**March 19, 2001**

# **WATER SUPPLY WATERSHEDS ORDINANCE**

## **An Ordinance to Protect the Water Supply Watersheds in the City of Bremen, Georgia**

### **I. Purpose**

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within the City of Bremen and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter storm water runoff can be threatened by unrestricted development. Land-disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, storm water runoff, particularly from impervious surfaces, can introduce toxins, nutrients and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering waters resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport, and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

The purpose of this ordinance is to establish measures to protect the quality and quantity of the present and future water supply of the City of Bremen; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This ordinance shall apply to all existing and proposed water supply watersheds within City of Bremen.

### **II. Definitions**

- A Buffer means a natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.
- B Corridor means all land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas specified in Section IV. of this ordinance.
- C Impervious Surface means a man-made structure or surface that prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.
- D Large Water Supply Watershed means a watershed containing 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
- E Perennial Stream means a stream that flows throughout the whole year as indicated on a USGS Quad map.
- F Reservoir Boundary means the edge of a water supply reservoir defined by its normal pool level.
- G Small Water Supply Watershed means a watershed that contains less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
- H Utility means public or private water or sewer piping systems, water or sewer pumping

stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by a local government.

- I Water Supply Reservoir means a governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corp of Engineers.
- J Water Supply Watershed means the area of land upstream of a governmentally owned public drinking water intake.

### III. Establishment of a Water Supply Watershed District

The Tallapoosa River, Beach Creek, and Lake Tisinger Water Supply Watershed Districts are hereby designated and shall comprise the land that drains to the Haralson County and City of Bremen public water supply intake and the Lake Tisinger water supply reservoir. The boundaries of these overlays are defined by the ridgelines of the respective watersheds and the boundary of a radius of seven (7) miles upstream of the respective Tallapoosa River for the Haralson County public water supply intake, the Beach Creek for the City of Bremen public water supply intake, and the Tisinger Lake reservoir for the City of Bowdon. These overlays shall be further delineated and defined on the Water Supply Watershed Protection District Overlay Map of the City of Bremen. The Map is hereby incorporated into and made a part of this ordinance by reference.

The following water supply watershed districts and reservoirs are hereby defined and the boundaries shall be identified on the Water Supply Watershed District Overlay Map.

- A. Tallapoosa River Watershed is a large water supply watershed. An intake for Haralson County public water supply and to the City of Bremen is located on the Tallapoosa River. This water supply watershed does not contain a reservoir.
- B. Beach Creek Watershed is a small water supply watershed. An intake for City of Bremen is located on Beach Creek. This water supply watershed does not contain a reservoir.
- C. Lake Tisinger Watershed is a small water supply watershed. An intake for the City of Bowdon is located on Lake Tisinger. This water supply watershed contains a reservoir that is owned by the City of Bowdon and is located within the jurisdiction of City of Bremen. The City of Bowdon is responsible for the protection of this reservoir. The Tisinger Reservoir Management Plan has been established to protect this water system.

### IV. Protection Criteria

- A. The following regulations shall apply to the Tallapoosa River water supply watershed identified on the Adopted Map as a large water supply watershed without a reservoir.
  - 1. New facilities, located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

B. The following regulations shall apply to the Beach Creek water supply watershed identified on the Adopted Map as a small water supply watershed.

1. The corridors of all perennial streams *within a seven mile radius* upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
  - a. A buffer shall be maintained for a distance of 100-feet on both sides of the stream as measured from the stream banks.
  - b. No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks.
  - c. Septic tanks and septic tank drain fields are prohibited in the 150-foot setback area as described in 1.b. above.
2. The corridors of all perennial streams *outside a seven mile radius* upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
  - a. A buffer shall be maintained for a distance of 50-feet on both sides of the stream as measured from the stream banks.
  - b. No impervious surface shall be constructed within a 75-foot setback area on both sides of the stream as measured from the stream banks.
  - c. Septic tanks and septic tank drain fields are prohibited in the 75-foot setback area as described in 2.b. above.
3. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to 25%, or existing use, whichever is greater.
4. New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

C. The following regulations shall apply to the Lake Tisinger water supply watershed identified on the Adopted Map as a small water supply watershed with a reservoir known as the Lake Tisinger reservoir.

1. The corridors of all perennial streams *within a seven mile radius* upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
  - a. A buffer shall be maintained for a distance of 100-feet on both sides of the stream as measured from the stream banks.
  - b. No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks.
  - c. Septic tanks and septic tank drain fields are prohibited in the 150-foot setback area as described in 1.b. above.
2. The corridors of all perennial streams *outside a seven mile radius* upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:

- a. A buffer shall be maintained for a distance of 50-feet on both sides of the stream as measured from the stream banks.
  - b. No impervious surface shall be constructed within a 75-foot setback area on both sides of the stream as measured from the stream banks.
  - c. Septic tanks and septic tank drain fields are prohibited in the 75-foot setback area as described in 2.b. above.
3. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to 25%, or existing use, whichever is greater.
4. New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
5. A buffer shall be maintained for a distance of 150-feet from the reservoir boundary. The allowable buffer vegetation and disturbance is specified in the reservoir management plan.
6. The Lake Tisinger reservoir is owned by the City of Bowdon and will be protected by them, as described in the Lake Tisinger Reservoir Management Plan.

## **V. Exemptions**

The following uses shall be exempted:

1. Land uses existing prior to the adoption of this ordinance.
2. Mining activities permitted by the Department of Natural Resources under the Surface Mining Act.
3. Utilities from the stream corridor buffer and setback area provisions in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas:
  - a. The utilities shall be located as far from the stream bank as reasonably possible.
  - b. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.
  - c. The utilities shall not impair the quality of the drinking water stream.
4. Specific forestry and agricultural activities in the stream corridor buffer and setback areas in accordance with the following conditions.
  - a. The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
  - b. The activity shall not impair the quality of the drinking water stream.

## **VI. Administration and Enforcement Procedures**

- A. Site Plans.** Application for a local development permit within the [name of resource protection district] shall include a site plan, drawn at a scale of 1" = 50', with the following information:
- a. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
  - b. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
  - c. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
  - d. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
  - e. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.
  - f. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
  - g. All proposed temporary disruptions or diversions of local hydrology.
- B. Activities to Comply with Site Plan.** All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of storm water runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Building Official or designated appointee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.
- C. Exemptions to Site Plan Requirements.** The following activities and developments are exempt from the requirement for detailed site plans.
1. Single family detached homes constructed within a subdivision of fewer than five parcels.
  2. Repairs to a facility that is part of a previously approved and permitted development.
  3. Construction of minor structures, such as sheds or additions to single family residences.
- D. Review Procedures.** The application shall be made to the building inspector and will be reviewed within 15 days. At the time of the application, the applicant shall pay a filing fee as specified by Bremen. Filing fees up to a maximum of \$100 may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the building inspector. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the building inspector. The applicant will receive written notification of the findings of the building inspector. Decisions of the building inspector may be appealed to the city council.

**E. Duration of Permit Validity.**

1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
3. Written notice of pending expiration of the development permit shall be issued by the building inspector.

**F. Penalties.**

- a. When a building or other structure has been constructed in violation of this section, the violator may be required to remove the structure at the discretion of the Director of License and Permits and/or the Building Inspector.
- b. When removal of vegetative cover, excavation, or fill has taken place in violation of this section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Director of License and Permits and/or the Building Inspector.
- c. If the Director of Planning discovers a violation of this ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the Board of Commissioners shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

**G. Suspension, Revocation.** The building inspector may suspend or revoke a permit if he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The building inspector shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a daily newspaper having a broad circulation in the area where the wetland is located.

**H. Judicial Review.**

- a. Jurisdiction. All final decisions of the City of Bremen concerning denial, approval or conditional approval of a permit shall be reviewable in the Haralson County Superior Court.
- b. Alternative Actions. Based on these proceedings and the decision of the [name of court], the Bremen City Council or its designee may, within the time specified by the Haralson County Superior Court, elect to:
  1. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
  2. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
  3. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the Bremen City Council.

**I. Amendments.** These regulations and the Water Supply Watershed Map(s) may from time to time be amended in accordance with procedures and requirements in the general statutes, and as new information become available.

**J. Relief Assessment.** Assessors and boards of assessors shall consider requirements of these regulations in determining the fair market value of land.

**K. Separability and Abrogation.** All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph, or part of this ordinance.



## LEGAL STATUS PROVISIONS OF THE ORDINANCE

**Conflict with Other Ordinances.** Portions of other ordinances that conflict with portions of this Ordinance are repealed. Non-conflicting parts of those ordinances remain in effect.

**Validity.** Should any section or provision of this Water Supply Watershed Protection Ordinance be declared by the courts to be unconstitutional or invalid, that declaration will not affect the validity of the Ordinance as a whole nor any part of the ordinance other than the part that was declared to be unconstitutional or invalid.

**Effective Date.** This Water Supply Watershed Protection Ordinance was adopted this 22<sup>nd</sup> day of March, 2001, by the City Council of Bremen, Georgia, and shall become effective on the 31<sup>st</sup> day of March, 2001.

CITY COUNCIL OF BREMEN, GEORGIA

BY: [Signature]

MAYOR

BY: [Signature]

MAYOR PRO TEM

BY: [Signature]

COUNCILMAN

BY: \_\_\_\_\_

COUNCILMAN

BY: \_\_\_\_\_

COUNCILMAN

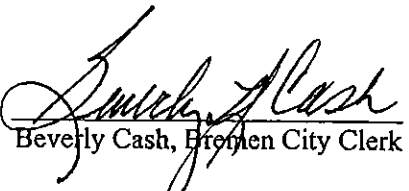
ATTEST:

[Signature]  
BEVERLY CASH, BREMEN CITY CLERK  
SEAL

**CITY OF BREMEN, HARALSON COUNTY, GEORGIA**

**CERTIFICATION OF ORDINANCE ADOPTION AND RECORDING**

I, Beverly Cash, City Clerk of the City of Bremen, Georgia, as custodian of records for the City hereby certify that the attached is a true and correct copy of their ***Water Supply Watershed Protection Ordinance*** as adopted by the Bremen City Council on the 22<sup>nd</sup> day of March, 2001. It is also duly noted in the Bremen, Georgia Official Book of Minutes. The ordinance and its recording of minutes are on file in the City Clerk's Office at the Bremen City Hall, 232 Tallapoosa Street, Bremen, Georgia.

  
Beverly Cash, Bremen City Clerk